

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE # 2020-____

AN ORDINANCE OF JASPER COUNTY COUNCIL

To Amend Appendix A of the Jasper County Code of Ordinances, *Zoning*, Article 11, subsection 11:7, Industry Specific Conditional Use Regulation so as to provide additional requirements and conditions for certain uses, including those included in the North American Industrial Classification System (NAICS) Sector 421930, Recyclable Material; and Sector 56292, Material Recovery Facilities, by including certain additional financial security requirements to provide funds to de-commission, clean-up and close-out facilities; to amend Article 9, subsection 9.3.10, *Cessation of nonconforming uses of land, buildings and structures*, and matters related thereto.

WHEREAS, the Jasper County Zoning Ordinance provides the general purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; and

WHEREAS, Article 6:1, Table 1 of the Jasper County Zoning Ordinance outlines principal uses allowed within the various zoning districts; and

WHEREAS, Article 11:7 of Jasper County Zoning Ordinance provides specific conditions for certain land uses which are intended to ameliorate the impact and improve the siting of uses, buildings, and projects whose design and/or operational characteristics could adversely affect surrounding property; and

WHEREAS, the Jasper County Planning Commission has recommended approval by County Council; and

WHEREAS, this matter is now before the Jasper County Council for determination;

NOW THEREFORE, BE IT ORDAINED, by the Jasper County Council duly assembled and by the authority of same:

Section 1. The Jasper County Zoning Ordinance, Article 11:7, as Amended is further amended so that the following subsections read as follows:

11:7.8, Sector 42193, Recyclable Materials:

1. The use shall be consistent with the most current Jasper County Solid Waste Management Plan.
2. No such use shall be located closer than 1,000 feet to any residential use, church, school, historical place or public park, measured from the property line.
3. No such use shall be located within view of and/or 1,000 feet of Interstate I-95, US 17, US 17A, US 278, US 301, US 321, US 601, SC 46, SC 170, SC 315, and SC 462 from I-95 (Exit 28) to Highway 170 (North Okatie Highway).
4. The outdoor operations area, including parking and storage areas, shall be located outside the 100 year floodplain.
5. No material incapable of being reused or recycled in some form shall be placed in open storage.
6. No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.
7. All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully closed buildings.
8. All materials and activities not within fully enclosed buildings shall be enclosed on all sides by a chain link fence with evergreen screening of an approved type, a wooden privacy fence, or fencing of other material which has been given approval by the DSR. All metal or wooden fence posts shall have at least one-third of their length below ground level and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber with at least a four inch by four inch nominal cross section.
 - a. The term “fence” shall mean an eight (8) foot tall chain link, wooden fence, or fencing of other material which has been given approval by the DSR, which forms a substantial physical barrier which completely surrounds the operations area, including all recyclable material and non-recyclable materials defined as “Junk” in Article 18 of the Jasper County Zoning Ordinance, and shields the operation area and recyclable material and non-recyclable materials from view, and is capable of withstanding the effects of the local climate.
 - b. The term “Evergreen Screening” shall mean evergreen trees or shrubs with a minimum height of 5 feet at time of installation, and not less than eight (8) feet when mature; spacing shall be based upon the species used so that at maturity the body of the branches of the tree or shrub shall not be more than one (1) foot from the body of the adjacent planting. Acceptable species include, but are not limited to, Ligustium, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Juniper, Holly and Yew.
 - c. Landscaping is required outside of the fencing when evergreen screening is not used. One (1) evergreen shrub shall be installed for every five (5) linear feet of fence on the side of the fence facing a neighboring property or public right-of-way. The minimum shrub shall be 3 to 5 gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.
9. In addition to the fencing requirements, Buffering and Landscaping requirements shall be met in accordance with Article 12:8.
10. No items/materials may be stacked higher than the required fencing.

11. All activity conducted on the premises must be contained within the visual screen, and the fencing shall be securely locked unless being actively and contemporaneously supervised.
12. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
13. No outdoor burning of any material other than material specifically designed or suitable for the purpose of employee comfort. Any exception must be approved by state or local fire officials given a minimum of 24 hours' notice of such burn.
14. Upon receiving an appliance, vehicle, or any other material for recycling purposes, the business shall remove, as applicable, the battery, lubricants, fluids, coolants, refrigerants, and the like and shall recycle or dispose of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.
15. Disposal of toxic/hazardous matter is prohibited anywhere without a state permit.
16. At least seventy-five percent of the total volume of each separated material type received during a calendar year and remaining on site from a previous year shall be used, reused, recycled, or transferred to a different site for use, reuse, or recycling
17. Storage of items/materials shall be so arranged as to permit easy access for firefighting purposes.
18. New construction, expansion or renovation of these facilities shall require submission to the Planning Commission of a storm water management plan using best management practices designed to protect adjacent properties, wetlands, ditches and watersheds.
19. Certain activities permitted by DHEC or other state or federal agencies may require a bond, letter of credit or other form of financial security to provide for de-commission, clean-up and/or close-out of these facilities. No development permit or business license for activities requiring such financial securities shall be issued by Jasper County unless the County is provided a copy of such financial security, and the financial security must also be in favor of Jasper County, if available as part of the State's financial security, to cover any costs or expenses incurred by the County in the event the operation or condition of the facility result in the need to abate a nuisance situation, ameliorate a public health or safety condition, clean-up, decommission and/or close-out the facility. In the event Jasper County cannot for whatever reason be included as a covered party under the State financial security, or it is more efficient and economical to provide a separate financial security to the County, then a separate financial security may be provided to the County instead.
 - a. In the event a financial security is not required by DHEC as part of its permitting requirements, or no DHEC permit is required, nonetheless, a letter of credit or other financial security in favor of the County approved by the County Administrator is required before either a development permit or business license can be issued, to be in an amount no less than the total capacity of the facility at a rate of \$60.00 per cubic yard.

11:7.18, Sector 56292, Material Recovery Facilities (including single stream recycling):

1. The use shall be consistent with the most current Jasper County Solid Waste Management Plan.

2. The material recovery facility may only accept non-food items, such as, glass, newspaper, cardboard, metal, construction and demolition debris, or other similar materials. Sewage or hazardous substances shall not be permitted.
3. All recovery and storage activities shall be conducted within an enclosed building with a concrete floor. Doors may remain open during active operations but must be closed otherwise and should not face the right of way; nor should they be visible from adjacent properties through the use of complete screening (100 percent opacity) using berms, fencing, landscaping, buildings or a combination thereof.
4. Recovered wood, concrete, and dirt may be stored outside temporarily, but shall not be stacked or stored higher than the required fencing.
5. All areas adjacent to the transfer point, such as the tipping floor, the turning area, and the area supporting the trailer while it is being packed, shall be paved with concrete.
6. Adequate standing and parking facilities shall be provided on the site so that no packers or other collection vehicles at any time stand on a public right-of-way waiting entrance to the site.
7. All materials and activities not within fully enclosed buildings shall be enclosed on all sides by a chain link fence with evergreen screening of an approved type, a wooden privacy fence, or fencing of other material which has been given approval by the DSR. All metal or wooden fence posts shall have at least one-third of their length below ground level and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber with at least a four inch by four inch nominal cross section.
 - a. The term “fence” shall mean an eight (8) foot tall chain link, wooden fence, or fencing of other material which has been given approval by the DSR, which forms a substantial physical barrier which completely surrounds the operations area, including all recyclable material and non-recyclable materials defined as “Junk” in Article 18 of the Jasper County Zoning Ordinance, and shields the operation area and recyclable material and non-recyclable materials from view, and is capable of withstanding the effects of the local climate.
 - b. The term “Evergreen Screening” shall mean evergreen trees or shrubs with a minimum height of 5 feet at time of installation, and not less than eight (8) feet when mature; spacing shall be based upon the species used so that at maturity the body of the branches of the tree or shrub shall not be more than one (1) foot from the body of the adjacent planting. Acceptable species include, but are not limited to, Ligustium, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Juniper, Holly and Yew.
 - c. Landscaping is required outside of the fencing when evergreen screening is not used. One (1) evergreen shrub shall be installed for every five (5) linear feet of fence on the side of the fence facing a neighboring property or public right-of-way. The minimum shrub shall be 3 to 5 gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.
8. Screening, Buffering and Landscaping requirements shall be met in accordance with Article 12:8. Buildings viewable from a public right of way are required to have

foundation buffers as part of its landscape plan. The DSR may require additional landscaping to make the site more aesthetically pleasing.

9. All activity conducted on the premises must be contained within the visual screen, and the fencing shall be securely locked unless being actively and contemporaneously supervised.
10. No burning of any material other than material specifically designed or suitable for the purpose of employee comfort. Any exception must be approved by state or local fire officials given a minimum of 24 hours' notice of such burn.
11. At least seventy-five percent of the total volume of each separated material type received during a calendar year and remaining on site from a previous year shall be used, reused, recycled, or transferred to a different site for use, reuse, or recycling
12. Storage of items/materials shall be so arranged as to permit easy access for firefighting purposes.
13. Stormwater runoff shall be addressed through the use of BMPs listed in the Jasper County Stormwater Management Manual to prevent additional post development runoff discharge rate and volume as seen in Article 10:6 of the Jasper County Land Development Regulations.
14. The use shall comply with all state and federal regulations.
15. New construction, expansion or renovation of these facilities shall require submission to the Planning Commission of a storm water management plan using best management practices designed to protect adjacent properties, wetlands, ditches and watersheds.
16. Certain activities permitted by DHEC or other state or federal agencies may require a bond, letter of credit or other form of financial security to provides for de-commission, clean-up and/or close-out of these facilities. No development or other permit, or business license for activities requiring such financial securities shall be issued by Jasper County unless such financial security is also in favor of Jasper County, if available as part of the State's financial security, to cover any costs or expenses incurred by the County in the event the operation or condition of the facility result in the need to abate a nuisance situation, ameliorate a public health or safety condition, clean-up , decommission and/or close-out the facility. In the event Jasper County cannot for whatever reason be included as a covered party under the State financial security, or it is more efficient and economical to provide a separate financial security to the County, then a separate financial security may be provided to the County instead.
 - a. In the event a financial security is not required by DHEC as part of its permitting requirements, or no DHEC permit is required, nonetheless, a letter of credit or other financial security in favor of the County approved by the County Administrator is required before either a development permit or business license can be issued, to be in an amount no less than the total capacity of the facility at a rate of \$60.00 per cubic yard.
17. County owned and operated facilities are exempt from these regulations.

Section 2. The Jasper County Zoning Ordinance, Article 9, subsection 9.3.10, *Cessation of nonconforming uses of land, buildings and structures*, is amended so that the first paragraph reads as follows:

1. *Cessation of nonconforming uses of land, buildings and structures.* When a nonconforming use of land ceases for a continuous period of 12 months, or the use is brought into conformity through actions of the owner, operator, occupier, or a governmental body, subsequent use of the land shall conform to the regulations for the zoning district in which the land is located unless otherwise provided in this ordinance. If a non-conforming condition existing on the land is reduced in scope, or partially removed, such non-conforming condition shall not thereafter be re-established or expanded, unless express permission is granted pursuant to subsection 9:3.7(2). An extension of the 12 month timeframe may be approved by the planning commission in accordance with subsection 9:3.7(2), if requested during the original 12 month timeframe.

Section 3. Severability

If any section, clause, paragraph, sentence or phrase of this ordinance (Article 11 of the Jasper County Code of Ordinances), or the application thereof to any person or circumstances shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence, phrase or application is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence, phrase or application shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

Section 3. This ordinance shall take effect upon approval by Council.

Henry Etheridge, Chairman

ATTEST:

Tisha Williams, Acting Clerk to Council

ORDINANCE 2020 - _____

First Reading: February 3, 2020
Second Reading: March 2, 2020
Public hearing: March 2, 2020
Adopted: March 16, 2020

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date